IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

MACA.No. 607 of 2003()

OPMV.596/1997 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THALASSERY
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: APPELLANT/PETITIONER:

C.V. SASIDHARAN, S/O. KUNHAPPAN,
33 YEARS, CHELLAN VEEDU, P.O. KADANNAPPILLY,
(VIA) MANDOOR, KANNUR DISTRICT.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS: RESPONDENT:
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1. P.P. PRAKASAN, S/O. KANNAPERUVANNAN,
PODIKKALAM PARAMBIL HOUSE,
P.O. KOOVERI, TALIPARAMBA.

2. UNITED INDIA INSURANCE CO.LTD.,
BRANCH OFFICE, P.B.NO.28, P.O. PAYYANNUR.

BY ADV. SRI.R.S.KALKURA

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 16/11/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

M.A.C.A.No.607 OF 2003

Dated this the 16h day of November, 2007

JUDGMENT

Radhakrishnan, J.

Claimant is the appellant. The question is whether the compensation granted by the Tribunal is sufficient or not. According to the appellant, he could not produce the relevant documents before the Tribunal. Though medical bills were produced, it was not taken into consideration. He could not adduce any oral evidence and also could not produce the disability certificate. The Tribunal assessed the disability as 15% and granted Rs. 30,000/-. According to the appellant, he has suffered 55% whole body disability.

Considering the nature of injury sustained by the appellant, we feel that an opportunity should be given to the claimant to produce further evidence and to adduce oral evidence before the Tribunal. Since the accident took place in the year 1996, we direct the Tribunal to pass final orders expeditiously with notice to the claimant. Order of the Tribunal is set aside. The matter is remanded back to the Tribunal for fresh consideration.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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